

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 08-1846

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United States of America,	*	
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Plaintiff – Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Western District of Missouri.
Sirron R. Primers,	*	
	*	[UNPUBLISHED]
Defendant – Appellant.	*	

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Submitted: April 22, 2008  
Filed: May 7, 2008

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Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Sirron Primers appeals from the district court's<sup>1</sup> denial of his motion for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2), based on Amendment 706 to the United States Sentencing Guidelines Manual (U.S.S.G.), which reduced certain base offense levels in U.S.S.G. § 2D1.1(c) depending on the quantity of cocaine base (crack) involved.

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<sup>1</sup>The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.

Primers pled guilty to conspiring to possess with intent to distribute 50 grams or more of crack. He was subject to a 10 year statutory mandatory minimum sentence, but the district court granted the government's motion for a downward departure based on Primers' substantial assistance and sentenced him to 84 months imprisonment. Judgment was entered on June 26, 2003. In January 2008 Primers filed a motion to reduce his sentence, citing Amendment 706, and for appointment of counsel. The district court appointed counsel and then denied the motion to reduce sentence. Primers appeals.

Primers' guideline range was not based on the amount of drugs under U.S.S.G. § 2D1.1, but on his status as a career offender under U.S.S.G. § 4B1.1. Accordingly, his original sentence is unaffected by the guideline amendments, see U.S.S.G. § 1B1.10(a)(2)(B); United States v. Tingle, No. 08-1777 (8th Cir. May 1, 2008) (per curiam), and we affirm the order of the district court.

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